

## Remarks

Claims 1-15 and 19-20 are pending in the application. Claims 1-15 and 19-20 are rejected. Claims 16-18 were cancelled previously. Claims 10-15 and 19-20 are cancelled herein without prejudice or disclaimer. Claims 1, 6, 8, and 9 are amended herein. All rejections are respectfully traversed. No new matter is added.

Claims 10-15 and 19-20 are cancelled herein without prejudice or disclaimer. The cancellation is not an admission or acknowledgment of agreement with the Examiner's assertions. The applicant reserves the right to traverse the rejections of cancelled claims 10-15 and 19-20 should they be presented again in this application or any continuation thereof.

Claim 1 is amended to more distinctly claim the invention.

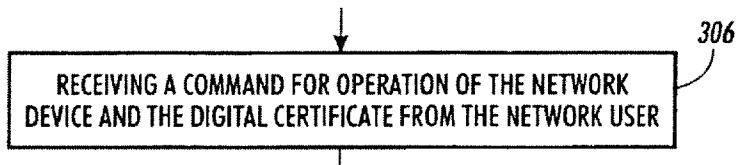
Claims 1-3, 5-13 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berson, et al., (U.S. 6,938,154 – “Berson”), in view of Eichert, et al., (U.S. 6,393,474 – “Eichert”).

Claim 1 recites a method of securing a network interface device installed on a host computer. A network interface device installed on a host computer is initialized without transmit or receive functions for network communications. A notification from the host computer that a user has been authenticated to the host computer is received at the network interface device installed on the host computer and in response to receiving notification that the user has been authenticated to the host computer, transmit and receive functions for

network communications of the network interface device installed on the host computer are enabled.

Claimed is initializing, without transmit or receive functions for network communications, a network interface device installed on a host computer.

Item 306 in Figure 3, below, fails to teach what is claimed:



Item 306 describes communications over a network. The command and digital certificate are communicated across a network to the network device. A person of ordinary skill in the art would readily understand that a user cannot send a digital certificate to a network device without using another computing device. Only a device of a network user can send a digital certificate. Item 306 implicitly describes communications between computing devices on a network. In contrast, claimed is initializing, without transmit or receive functions for network communications, a network interface device installed on a host computer. The communications described in item 306 require network interface devices that are enabled for network communication. Berson can never be used to make obvious what is claimed.

Further, item 314 is silent as to a host of a network interface device, see below:

314

→ UTILIZING A SECOND CRYPTOGRAPHIC  
KEY TO AUTHENTICATE A DIGITAL  
CERTIFICATE OF THE NETWORK DEVICE

The Examiner is requested to explain, with specificity, how authentication a digital certificate of the network device can possibly teach “receiving, at the network interface device installed on the host computer, notification from the host computer that a user has been authenticated to the host computer,” as claimed. In Berson, all communications take place across a network, which is contrary to what the claims recite. The invention is directed to communications between a host and an attached network interface device, such as, though not limited to, a NIC card. The host ensures user authentication before notifying the NIC or other interface device that communication to and from the network is allowed.

Further still, claimed is “in response to receiving notification that the user has been authenticated to the host computer, enabling transmit and receive functions for network communications of the network interface device installed on the host computer.” In contrast, Berson teaches enabling operation of a network device (318) in response to authenticating the digital certificate of a network user utilizing a cryptographic key stored in the network device (316). There is no notification described in Berson. Further, Berson never teaches enabling a transmit function in response to anything. In fact, the transmit functions of all the devices described in Berson must be enabled for Berson to be able to begin the operations described. The Examiner apparently assumes transmit function and operation are

interchangeable, however they are not. As evidenced by the transmit and receive functionality required for the key exchange described in Berson.

Eichert is used only to teach that a network device is a network interface device and a host. However, the combination makes no sense, as the operations described in Berson explicitly require communications between networked devices enabled prior to taking any of the steps described in Berson. The combination effectively proposes networked communications between network interface devices that are not enabled for network communications.

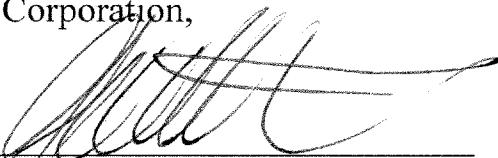
Further, by the time Berson starts, the present invention is already finished. For example, Berson described initiating the authentication of a user to a network printer by sending a digital certificate and a command to the printer. However, for the user to send a digital certificate, the user's device must already be transmit enabled and the printer receive enabled. In this case, the invention would have already preformed all steps necessary for "enabling transmit and receive functions for network communications of the network interface device installed on the host computer." Therefore, it is respectfully requested that the Examiner reconsider and withdraw his rejections based on Berson and Eichert.

The dependent claims inherit the limitations of the Independent claims and therefore are patentable over the Berson reference for at least the reasons asserted above.

It is believed that this application is now in condition for allowance. A notice to this effect is respectfully requested. Should further questions arise concerning this application, the Examiner is invited to call Applicant's attorney at the number listed below. Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account 50-6350.

Respectfully submitted,  
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